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Attorneys for Plaintiffs

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION

ALLIANCE FOR THE WILD
ROCKIES, NATIVE ECOSYSTEMS
COUNCIL,

Plaintiffs,

vs.

KEITH LANNOM, Deputy Regional
Forester, Region One of U.S. Forest
Service, U.S. FOREST SERVICE,
and U.S. FISH & WILDLIFE
SERVICE.

Defendants.

CV-21-51-DLC-KLD

PLAINTIFFS' MOTION FOR
SUMMARY JUDGMENT

This is a civil action for judicial review under the Administrative Procedure Act and/or Endangered Species Act of the U.S. Forest Service's and/or U.S. Fish & Wildlife Service's authorizations and/or lack thereof regarding the Horsefly Project, Little Belts Travel Plan, and site-specific Forest Plan Amendment for the Horsefly Project on the Helena-Lewis and Clark National Forest. Plaintiffs Alliance for the Wild Rockies and Native Ecosystems Council respectfully move this Court for summary judgment on all of their claims. Defendants' conduct is arbitrary and capricious, an abuse of discretion, and/or otherwise not in accordance with the the National Environmental Policy Act (NEPA), 42 U.S.C. §§ 4331 *et seq.*, the National Forest Management Act (NFMA), 16 U.S.C. §§ 1600 *et seq.*, the Endangered Species Act (ESA), 16 U.S.C. §§ 1531 *et seq.*, and/or the Administrative Procedure Act (APA), 5 U.S.C. §§ 701 *et seq.* Plaintiffs request that this Court either vacate the Project decision or enjoin implementation of the Project until Defendants have complied with the law. Plaintiffs file a brief in support of this motion, and Defendants will file a brief in opposition.

Respectfully submitted this 26th Day of October, 2021.

/s/ Rebecca K. Smith

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